

BEFORE
THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA
DOCKET NO. 2020- -T

IN RE:	Petition of the Office of Regulatory Staff to Revoke Certificates of Public Convenience and Necessity of Certain Motor Carriers For Failure to Maintain and File Evidence of Insurance))))))	PETITION FOR REVOCATION OF CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY OF CERTAIN MOTOR CARRIERS
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The South Carolina Office of Regulatory Staff (“ORS”), by filing this petition, would respectfully show and request of the Public Service Commission of South Carolina (“Commission”):

1. That the Commission is a state agency constituted pursuant to the laws of the State of South Carolina with its business offices located in Columbia, South Carolina; that the Commission is responsible for the regulation of motor vehicle carriers operating for compensation as set forth in S.C. Code Ann. § 58-23-10 *et seq.* (2015 and Supp. 2015); that ORS is charged with the duty to protect the public interest pursuant to S.C. Code Ann. § 58-4-10 *et seq.* (2015 and Supp. 2015).

2. That the companies listed in Exhibit A have been approved by the Commission and certified by ORS to operate as “motor vehicle carriers” as defined in S.C. Code Ann. § 58-23-10(4) (2015) in that they own, control, operate, or manage motor propelled vehicles, not usually operated on or over rails, used in the business of transporting persons or property for compensation over improved public highways in this state.

3. That the companies listed in Exhibit A, each having applied for and having an Order from the Commission to receive a Certificate of Public Convenience and Necessity (“PC&N”) to operate a motor vehicle carrier as defined in S.C. Code Ann. § 58-23-10(4) (2015), have submitted to the jurisdiction of the Commission by holding said Certificate PC&N, and are therefore subject to the jurisdiction of this

Commission pursuant to S.C. Code Ann. § 58-23-1010 *et seq.* (2015 and Supp. 2015). See Exhibit A, Carriers Out of Compliance for Failure to Maintain and File Evidence of Insurance.

4. That the companies listed in Exhibit A, prior to receiving their Certificate PC&N, were each found to be fit, willing and able to operate as a motor carrier by the Commission; from our understanding that in obtaining such authority the companies certified they are “familiar with all statutes and regulations, including safety regulations, governing for-hire motor carrier operations in South Carolina and agree to operate in compliance with these statutes and regulations.” 10 S.C. Code Ann. Regs. 103-133(4)(a) (2012); further, the companies certified they are “aware of the commission's insurance requirements and the costs associated therewith.” 10 S.C. Code Ann. Regs. 103-133(4)(b) (2012).

5. That the Commission requires motor carrier applicants to procure and file with the Commission proper proof of insurance and that the insurance “must be kept in full force and effect and failure to do so is cause for the revocation of the certificate.” S.C. Code Ann. § 58-23-910 (2015).

6. That the companies listed in Exhibit A have failed to file proof of insurance as required by S.C. Code Ann. § 58-23-910 (2015) and 10 S.C. Code Ann. Regs. 103-171 and/or 103-174 (2012). See Exhibit B, Affidavit of Carole Chauvin.

7. That ORS notified the companies listed in Exhibit A of their failure to file the required documents providing evidence of insurance; that despite this notification, the listed companies have continued to fail to comply with the requirements of providing evidence of insurance.

8. That “[a] failure to file evidence of insurance, self-insurance or surety bond shall be just cause for the commission, without further evidence or hearing, to suspend its order granting authority or to suspend the certificate or any license issued to the motor carrier. A failure to keep all insurance, self-insurance, or surety bond in full force and effect shall result in automatic suspension, upon receipt of an affidavit from the ORS with supporting evidence, of the commission’s order granting authority, the certificate, and any license issued to the motor carrier....” 10 S.C. Code Ann. Regs. 103-175 (2012); further, that “the [insurance] policy, [surety] bond or certificate of self-insurance...must be kept in full force

and effect and failure to do so is cause for the revocation of the certificate.” S.C. Code Ann. § 58-23-910 (2015).

9. That “[t]he commission may at any time, after notice and opportunity to be heard, suspend, revoke, alter, or amend any certificate, if it shall be made to appear that the holder has willfully violated or refused to observe orders, rules, or regulations prescribed by the commission, provisions of the Motor Vehicle Carrier Law, or any other law of this State regulating motor carriers for hire and applicable to the holder of such certificate, or, if, in the opinion of the commission, the motor carrier holding a Certificate of PC&N is not furnishing adequate service or it is no longer compatible with the public interest to continue said certificate in force, or, if in the opinion of the commission, the motor carrier holding a Certificate of FWA is no longer furnishing adequate service, or said carrier no longer meets the fit, willing, and able criteria...” 10 S.C. Code Ann. Regs. 103-240 (2012).

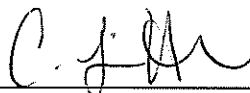
10. That “[t]he commission may, after a hearing, order the suspension, revocation, alteration, or amendment of any certificate issued pursuant to Articles 1 through 11 of this chapter, if it is proved that the holder of the certificate wilfully made any misrepresentation of a material fact in obtaining his certificate or wilfully violated or refused to observe the laws of this State touching motor vehicle carriers or wilfully violated any of the terms of his certificate or of the commission's proper orders, rules or regulations. But the holder of the certificate has the right of appeal to any court of competent jurisdiction. The commission must not be a party to any appeal.” S.C. Code Ann. § 58-23-320 (2015).

11. That the information listed in Exhibit A is the mailing address for each carrier on file with the Commission and ORS and the information listed in Exhibit A was provided by each carrier listed in Exhibit A. See Exhibit A, Carriers Out of Compliance for Failure to Maintain and File Evidence of Insurance. See Exhibit B, Affidavit of Carole Chauvin.

WHEREFORE, ORS respectfully requests that the Honorable Commission:

1. Provide for the opportunity by the carrier to respond to the allegations of this Petition within (30) days from the date of receipt of this Petition;

2. Schedule and conduct a formal administrative hearing as soon as practicable to address disputed issues of fact and law regarding the Certificates of PC&N of the carriers listed in Exhibit A, which ORS seeks to have revoked by the Commission in this action pursuant to 10 S.C. Code Ann. Regs. 103-175 and 103-240 (2012) and S.C. Code Ann. § 58-23-320 (2015);
3. Following the formal administrative hearing, immediately rule to revoke the Certificates of those motor carriers listed in Exhibit A in accordance with the authority provided to the Commission under 10 S.C. Code Ann. Regs. 103-240 (2012) and S.C. Code Ann. § 58-23-320 (2015) and thereafter immediately enter a final Order; and,
4. For other appropriate action which the Commission may deem necessary.



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August 25, 2020
Columbia, South Carolina

August 25, 2020

Docket No. _____

No.	Docket #	Cert Type	NAME	DBA	ADDRESS	CITY	STATE	ZIP CODE
1	2014-333-T	Class C Non-Emer	Apple Transport, LLC		PO Box 446	Blythewood	SC	29016
2	2017-93-T	Class C Taxi	Bernard J. Daley	Bernard & Corrine's Taxi	2919 Alabama Dr	Charleston	SC	29405
3	2016-409-T	Class C Non-Emer	Brights Care, LLC		PO Box 61087	N. Charleston	SC	29419
4	2006-400-T	Class C Charter Bus	Bromell Charters, LLC		82 Mark St	Georgetown	SC	29440
5	2019-155-T	Class C Non-Emer	C. Alexandra Transportation, LLC		402 Ron McNair Blvd	Lake City	SC	29560
6	2005-363-T	Class C Charter Bus	Captain Telegram, Inc.		721 Elmwood Ave	Columbia	SC	29201
7	2013-232-T	Class C Non-Emer	Charles Herrington	Mobile To Go Transportation	2831 Royal St	Augusta	GA	30909
8	2018-404-T	Class C Taxi	Charles Ross	Paradise Luxury Taxi	4939 Nesbitt Ave	North Charleston	SC	29405
9	2003-350-T	Class C Taxi	Cynthia Clyburn	City Cab	986A Park Rd	Cassatt	SC	29032
10	1999-14-T	Class C Charter Bus	Deltaways, Inc.		1004 Cedar Lane Rd.	Greenville	SC	29617
11	2014-303-T	Class C Taxi	Edward Ramey	Flash Cab	829 9th Ave S Unit 62	N Myrtle Beach	SC	29582
12	2009-180-T	Class C Charter Bus	Emmaus Charter Services, LLC		115 Fork Rd	Blythewood	SC	29016
13	2004-93-T	Class C Charter Bus	George Halmon and Sabrina Halmon	ASAP Tours	102 Derby Downs	Spartanburg	SC	29301
14	2005-222-T	Class C Taxi	Gerald Francis Wood		PO Box 15051	Surfside	SC	29587
15	1990-739-T	Class E HHG	H.D. Auston Moving Systems, LLC	H. D. Auston & Son Moving & Storage	200 Pate Dr Ste C	Greenville	SC	29609
16	2014-351-T	Class C Charter	Heaven Sent Helpers, LLC	Advanced Care Transportation	1825 St Julian Pl Ste F-3	Columbia	SC	29204
17	2018-94-T	Class C Charter	JNM Palms, LLC	Mojet Limo	PO Box 20561	Charleston	SC	29413
18	2010-264-T	Class C Non-Emer	Lewis Safe Care Transportation Services, LLC		56 SweetThorne Cir	Irmo	SC	29063
19	2013-284-T	Class C Taxi	Melvin Wright		303 Creek Dr	Quincy	SC	29506
20	2013-246-T	Class C Non-Emer	Morant, Inc.	Morant Transportation	PO Box 90106	Columbia	SC	29290
21	2014-229-T	Class C Non-Emer	MXM Investments, LLC		107 Jeffrey St	Darlington	SC	29532
22	2018-294-T	Class C Non-Emer	Personal Caregiver, LLC		PO Box 6996	Greenville	SC	29607
23	2013-173-T	Class C Non-Emer	Purvis Services LLC		1664 Lake Wateree Dr	Florence	SC	29501
24	2012-418-T	Class C Non-Emer	R and E Medical Transportation, LLC		9 Carson Dr	Charleston	SC	29407
25	2012-262-T	Class C Charter	R and R Limousine Service, LLP		1707 Eallystockert Rd	Charleston	SC	29414
26	2017-101-T	Class C Non-Emer	S and SC Transport, LLC		PO Box 5015	Florence	SC	29501
27	2007-250-T	Class C Taxi	Samuel Robinson		414 S Johns St	Florence	SC	29506
28	2013-141-T	Class C Taxi	Sergey Yermolayev	Convenience Serg. Taxi	1637 Mulberry St Apt D	Charleston	SC	29407
29	2018-127-T	Class C Charter	The Wave Xpress, LLC		184 Bear Dance Rd	Myrtle Beach	SC	29588
30	2009-13-T	Class C Taxi	Tonya R. Johnson		712 N Bradford St	Florence	SC	29506
31	2012-430-T	Class C Taxi	Tony's Taxi, LLC	Always Available Taxi	PO Box 85702	Lexington	SC	29073
32	2016-55-T	Class C Non-Emer	True Care Transportation LLC		1186 Dirty Branch Rd	Conway	SC	29527
33	2015-158-T	Class C Non-Emer	V & C Transport LLC		5600 Augusta Rd Ste C	Greenville	SC	29605
34	2000-310-T	Class C Taxi	Williams Limousine Service LLC	Williams Transportation	1522 Bexley St	N Charleston	SC	29405

EXHIBIT B

BEFORE
THE PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA

DOCKET NO. _____

August 25, 2020

IN RE: Petition of the Office of Regulatory Staff to Revoke
Certificates of Public Convenience and Necessity of
Certain Motor Carriers for Failure to Maintain and
File Evidence of Insurance

AFFIDAVIT OF
CAROLE CHAUVIN

The Affiant, after having been first duly sworn, deposes and states as follows:

- 1) My name is Carole Chauvin and I am employed by the Office of Regulatory Staff ("ORS") as a Program Specialist for the Transportation Department.
- 2) My office is located at 1401 Main Street, Suite 900, Columbia, South Carolina, 29201.
- 3) My duties and responsibilities as a Program Specialist for ORS include serving as custodian of records for business filings associated with motor vehicle carriers subject to the jurisdiction of the Public Service Commission ("PSC").
- 4) It is the regular business practice of ORS to maintain certain business records required to be filed by motor vehicle carriers that are subject to the jurisdiction of the PSC.
- 5) As a result of my duties and responsibilities, I have knowledge of the manner in which the books and records are kept and of any books or records which are not complete or which are not on file with ORS.
- 6) On August 25, 2020, I examined the business records on file with ORS.
- 7) As a result of that examination, I attest that the proof of insurance as required by 10 S.C. Code Ann. Regs. 103-171 and/or 103-174 (2012) has not been filed with ORS by the following carriers as of August 25, 2020: (See attached list)

AND FURTHER THE AFFIANT SAYETH NOT.

Carole Chauvin

Carole Chauvin
Program Specialist, Transportation Department
Office of Regulatory Staff
1401 Main Street, Suite 900
Columbia, S.C. 29201

Sworn and subscribed before me
this 25th day of August, 20 20

Hanna

Notary Public for South Carolina
My Commission Expires: 10/16/2027